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Attorney Docket No. 9022-8CT

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Schwarz et al. Confirmation No. 8406  
Serial No. 09/928,796 Group Art Unit: 1635  
Filed: August 13, 2001 Examiner: James Schultz  
For: METHODS OF FACILITATING VASCULAR GROWTH

April 2, 2004

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(a)**

Sir:

I, **Shawna Cannon Lemon**, am an attorney of record of the disclaimants, **Childrens Hospital Los Angeles** (hereinafter "**CHLA**") and **National Jewish Medical and Research Center** (hereinafter "**NJMRC**"), and am authorized to execute this disclaimer on behalf of **CHLA** and **NJMRC**. Disclaimant **CHLA**, having a principal place of business at 4650 Sunset Blvd., Los Angeles, CA, and disclaimant **NJMRC**, having a principal place of business at 1400 Jackson Street, Denver, CO, are the owners of all right, title, and interest in the above-identified application, by virtue of two Assignments filed concurrently. A copy of each Assignment is attached hereto.

The disclaimants hereby disclaim, except as provided below, the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. §§154 - 156, §173, and any other relevant statutory provision of prior U.S. Patent No. 6,306,612 issued October 23, 2001, as presently shortened by any terminal disclaimer, which patent was assigned to the above-identified disclaimants by Assignments filed concurrently.

Disclaimants further agree that any patent so granted on the above-identified application, which is the subject of this disclaimer, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,306,612. This agreement runs with any patent granted on the above-identified application, and is binding upon the grantee, its successors, or assigns.

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